

PATENT COOPERATION TREATY



From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
OKABE, Masao

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PCT

INVITATION TO RESTRICT OR
PAY ADDITIONAL FEES
(PCT Article 34(3)(a) and Rule 68.2)

Date of mailing
(day/month/year) **19.4.2005**

Applicant's or agent's file reference
CFO17975WO

REPLY OR within **1** month from
PAYMENT DUE the above date of mailing

International application No.
PCT/JP2004/004072

International filing date
(day/month/year) **24.03.2004**

Applicant

CANON KABUSHIKI KAISHA

1. This International Preliminary Examining Authority
 - (i) considers that **the international application does not comply with the requirement of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated in the Annex.
 - (ii) therefore considers that there are 2 (number of) inventions claimed in the international application as indicated in the Annex.
 - (iii) recalls that claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination (Rule 66.1(e)).

2. Consequently the applicant is hereby **invited**, within the time limit indicated above, **to restrict the claims** as suggested under item 3, below, **or to pay** the amount indicated below:

¥ 21000 x 1 = ¥ 21000
 Fee per additional invention number of additional inventions total amount of additional fees

The applicant is informed that, according to Rule 68.3(e), **the payment of any additional fee may be made under protest**, i.e. a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. **If the applicant opts to restrict the claims**, this Authority suggests the restriction possibilities indicated in the Annex, which in its opinion would be in compliance with the requirement of unity of invention.
4. **In the absence of any response** from the applicant, this Authority will establish the international preliminary examination report on those parts of the international application indicated in the Annex which, in the opinion of this Authority, appear to relate to the main invention.

Name and mailing address of the IPEA/JP

Japan Patent Office

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

Authorized officer

Commissioner of the Patent Office

Telephone No. +81-3-3581-1101 Ext. 3255

2K 9207

(1) Common technical features between two independent claims 1 and 4 in this application reside only in a polycrystalline silicon material (layer/substrate), and a layer having an amorphous silicon phase and microcrystalline silicon phase on the polycrystalline silicon material. And, the remaining features of claim 1 and 4 are not considered to involve the same technical meaning.

Furthermore, as indicated in the Written Opinion of the ISA, D1 (JP 2001-217442 A) discloses a solar cell having an n-type polycrystalline silicon layer (2) on a SUS substrate (1) (e.g. Fig 1), where the n-type polycrystalline silicon layer (2) could be replaced with a microcrystalline layer ([0010]), and a metal grade silicon substrate could be used in place of the SUS substrate (1) ([0014]).

Therefore, claims 1-3 and 4 do not involve same or corresponding special technical features in the meaning of PCT Rule 13.2.

(2) This application does not satisfy unity of invention as pointed out in (1), therefore, the IPER will be established only for the main invention of claims 1-3, unless a proper amendment is presented or the additional fee is paid. However, for a further proceeding, comments on claims 1-4 are given regarding the argument in the applicant's Reply dated on 19.10.2004.

Although a polycrystalline silicon layer (2) in D1 is not a non-doped layer as claim 1, it is not clear from the description, or from the Reply, what a technical meaning this difference of doping has. So claims 1-3 are still considered to be lack of inventive step.

As for claim 4, it is considered to be a different invention from claim 1, as pointed out in (1), no argument has been presented in the Reply. Accordingly, claim 4 is not considered to have inventive step, as indicated in the Box V of Written Opinion of the ISA.

ATTENTIONS

1. Forms and Preparation Points of Documents to be Submitted

Form for restriction of the scope of claims or payment of additional fee shall be prepared in conformity to Article 59 (Form 22bis) of Enforcement Regulations of Law Concerning the International Application of the Patent Cooperation Treaty and Related Matters.

2. Protest Against Additional Fee

- a) The instant the additional fee is paid, the protest against additional fee may be made by a written declaration describing reasons that this internal application satisfies the unity of invention prescribed in the Article 34 (3) (a) of the Treaty, or the ordered amount of the payment of the additional fee is excessive.
- b) The written declaration shall be prepared pursuant to Article 70 (Form 19bis) of Enforcement Regulations of Law Concerning the International Application of the Patent Cooperation Treaty and Related Matters.
- c) Some elected States prescribe that, when an applicant selects the restriction of the scope of claims, parts of the international application, which are not the object of the international preliminary examination because of the restriction, shall be withdrawn as long as the effect in the applicable elected State except that the applicant paid a special fee to the national office of the applicable elected State. (Treaty Article 34 (3) (b))

[Remarks]

1. When the scope of claims to receive an international preliminary examination is restricted and the fee is additionally paid, a title shall be set to "written form for restriction of the scope of claims and the payment of additional fee".
2. In a column of "Restriction of Scope of Claims", the scope of the claims to be restricted shall be described by specifying "Paragraph ○ in the scope of the claims" out of the scope of the claims to receive the international preliminary examination. Where the scope of claims is not restricted, there is no need to provide the column.
3. The paper sheet used is set to Row A, No.4 (horizontal writing 21cm, 29.7cm), only one side of a flexible, strong, white, smooth, lusterless, and durable paper sheet with no fold is used with its shorter side at the top, and unnecessary characters, signs, frame lines, ruled lines, etc. shall not be written on this paper.
4. Neither creases nor tear shall be made on this paper.
5. Margins shall be set to at least 2cm in the upper edge, the right edge, and the bottom edge of the paper sheet respectively and 2.5cm in the left edge. In principle, the margins shall not exceed 4cm in its upper edge and the left edge respectively and 3cm in its right edge and the bottom edge. In these cases, the margins are left completely blank. Where, the document number (as long as being described in the request) may be added in the marginal left corner in the upper edge and within 1.5cm from the upper edge.
6. The written restriction of the scope of claims (written form for payment of additional fee) shall be a typed or printed manuscript so that an arbitrary number of copies may be directly made by photograph, electrostatic method, photographic offset, and microfilm.
7. In all the paper sheets of the written restriction of the scope of claims, serial numbers starting from 1 in Arabic numerals shall be added in the center of the top or bottom edge of the paper sheet (except for the marginal parts).
8. In cases of the typed manuscript, the space between the lines is set to at least not less than 5mm. In cases using roman letters in Remarks 13, 16, it is set to the width of 1.5 letters.

9. Items mentioned shall be written in the characters of No.4 type (Roman letters used for the Remarks 13, 16: are set to not less than 0.21cm in capital letters.), wherein the color used shall be dark and unfading and the characters shall fulfill the requirements prescribed in the Remark 6.

10. In a column of "Indication of International Application", where an applicant already received the notification of the international application number from the Patent Office, the number shall be described in such a manner as "PCT/JP ○○○○/○○○○○○", where the applicant is not yet received the notification of the international application number, the date submitting the international application shall be described in the order of the date, the month, and the year in such a manner as "international application submitting on ○○.○○.○○○○", and the document number (as long as being described in the request) shall be also described therein.

11. The "Name of Applicant" shall be described in the full name in the order of the family name and the first name in a case of natural person and in a case of the juristic person, the name shall be described.

12. The "Address" shall be described in detail such as "Japan, a prefecture, a county, a village, a major article, a minor article, a lot number, and a house number" and the postal code shall be also described.

13. The transliteration of the name and the address of applicant or their translation into English shall be also added thereto using the roman letters.

14. In the column of "Nationality", the name of a country where the applicant or the representative is pertained shall be described.

15. In the column of "Address", the name of a country in which the applicant or the representative is inhabited shall be described.

16. In a case of describing the name of a country, the name of the country designated by the Commissioner shall be expressed in Japanese and English.

17. In a column of "Representative", the name of the representative shall be described and an applicable one out of "lawyer", "patent attorney", and "legal representative" shall be described before the name.

18. Where a representative is placed, no applicant's seal is necessary and where being no representative, there is no need to provide a column of a "Representative".

19. In each paper sheet, erasure, correction, overwriting, and inserted lines are not permitted in principle.

20. The sheets for the written restriction of the scope of claims (form for payment of the additional fee) shall be filed with, for example, a clip so as to be easily separated or refilled.

21. In the "Address", only one address of each applicant, representative, attorney, or sub-attorney shall be described.

22. In a column of "Sub-Attorney", the name of the sub-attorney shall be described and an applicable name out of "lawyer" or "patent attorney" shall be described before the name.

23. Where a sub-attorney is placed, no representative's seal is necessary and where being no sub-attorney, there is no need to provide a column of "Sub-Attorney".

24. The Christian Era or Gregorian Calendar shall be used for the date, figures of the day, figures of the month, and last two figures of the year shall be expressed in Arabic numerals respectively in this order, and a period shall be added after the figures of the day and the month (for example expressing March, 30th, 2004 into "30.03.2004"). Where using another era or calendar, the Christian Era or Gregorian Calendar shall be added thereto.

25. In a column of "Amount of Additional Payment", the amount claimed of payment for the additional fee shall be described, the amount of the fee claimed to pay additionally shall be described, a patent revenue stamp of this amount shall be stuck on the left upper part of this document, and the amount shall be described in a parenthesis thereunder.

Form. 22 bis(Related to Article 59)

Patent Revenue Stamp	RESTRICTION OF CLAIM (PAYMENT OF ADDITIONAL FEE)	
	() To : Commissioner of the Patent Office	
1.	Identification of the International Application	
2.	Applicant (Common Representative) (Identification number:)	
	Name: _____	Signature _____ (印)
	Address:	
3.	Agent (Identification number:)	
	Name: _____	Signature _____ (印)
	Address:	
4.	Date of Invitation	
5.	Number of Additional Intentions	
6.	Claims to be Restricted	
7.	Amount of Additional Fee	Yen
8.	List of Attached Documents (1) statement : 1 copy (2) ()	

[Remarks]

- In a column of "Points of Protest Against Additional Fee", an applicant shall be described in such a manner that "Request to return the fee, (yen) related to the additional payment".
- This document shall be added to the Form for Payment of Additional Fee prepared under the Form 22bis.
- The paper sheet used is set to Row A, No.4 (horizontal writing 21cm, 29.7cm), only one side of a flexible, strong, white, smooth, lusterless, and durable paper sheet with no fold is used with its shorter side at the top, and unnecessary characters, signs, frame lines, ruled lines, etc. shall not be written on this paper.
- Neither creases nor tear shall be made on this paper.
- Margins shall be set to at least 2cm in the upper edge, the right edge, and the bottom edge of the paper sheet respectively and 2.5cm in the left edge. In principle, the margins shall not exceed 4cm in its upper edge and the left edge respectively and 3cm in its right edge and the bottom edge. In these cases, the margins are left completely blank. Where, the document number (as long as being described in the request) may be added in the marginal left corner in the upper edge and within 1.5cm from the upper edge.
- The written declaration shall be a typed or printed manuscript so that an arbitrary number of copies may be directly made by photograph, electrostatic method, photographic offset, and microfilm.
- In all the paper sheets of the written declaration, serial numbers starting from 1 in Arabic numerals shall be added in the center of the top or bottom edge of the paper sheet (except for the marginal parts).
- In cases of the typed manuscript, the space between the lines is set to at least not less than 5mm. In cases using roman letters in Remarks 13, 16, it is set to the width of 1.5 letters.
- Items mentioned shall be written in the characters of No.4 type (Roman letters used for the Remarks 13, 16 are set to not less than 0.21cm lengthwise in capital letters.), wherein the color used shall be dark and unfading and the characters shall fulfill the requirements prescribed in the Remarks 6.

- In a column of "Indication of International Application", where an applicant already received the notification of the international application number from the Patent Office, the number shall be described in such a manner as "PCT/JP 0000/000000", where the applicant is not yet received the notification of the international application number, the date submitting the international application shall be described in the order of the date, the month, and the year in such a manner as "international application submitting on 00.00.0000 " and the document number (as long as being described in the request) shall be also described therein.
- The "Name of Applicant" shall be described in the full name in the order of the family name and the first name in a case of natural person and in a case of the juristic person, the name shall be described.
- The "Address" shall be described in detail such as "Japan, a prefecture, a county, a village, a major article, a minor article, a lot number, and a house number" and the postal code shall be also described.
- The transliteration of the name and the address of applicant or their translation into English shall be also added thereto using the roman letters.
- In a column of "Nationality", the name of a country where the applicant or the representative is pertained shall be described.
- In a column of "Address", the name of a country in which the applicant or the representative is inhabited shall be described.
- In a case of describing the name of a country, the name of the country designated by the Commissioner shall be expressed in Japanese and English.
- In a column of "Representative", the name of the representative shall be described and an applicable one out of "lawyer", "patent attorney", and "legal representative" shall be described before the name.
- Where a representative is placed, no applicant's seal is necessary and where being no representative, there is no need to provide a column of "Representative".
- In each paper sheet, erasure, correction, overwriting, and insertions are not permitted as a rule.
- The sheets for the written declaration shall be filed with, for example a clip so as to be easily separated or refilled.
- In the "Address", one address of each applicant, representative, attorney, or sub-attorney shall be described.
- In a column of "Sub-Attorney", the name of the sub-attorney shall be described and an applicable name out of "lawyer" or "patent attorney" shall be described before the name.
- Where a sub-attorney is placed, no representative's seal is necessary and where being no sub-attorney, there is no need to provide a column of "Sub-Attorney".

Form 19bis (Related to Article 44)

STATEMENT	
To : Commissioner of the Patent Office	
1.	Identification of International Application
2.	Applicant(Common Representative) (Identification number:)
	Name: _____ Signature _____ (印)
	Address:
	Country of nationality:
	Country of residence:
3.	Agent (Identification number:)
	Name: _____ Signature _____ (印)
	Address:
4.	Number of Additional Inventions
5.	Amount of Additional Fee
6.	Purport of Protest
7.	Reason for Protest
	Yen